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July 13, 2016

Via Electronic Court Filing & Regular Mail (Courtesy Copy)

Magistrate Judge James B. Clark III
United States District Court of New Jersey
Martin Luther King Building
50 Walnut Street
Newark, NJ 07101

Re: D'Antonio v. Borough of Allendale, et als.
Civil Action No. 2:16-cv-00816 (CCC) (JBC)
Plaintiff's Application for Default (Docket Entry #55)

Dear Judge Clark:

I am a defendant in this action and represent myself in this matter. This letter is filed in opposition to plaintiff's July 11, 2016 application for default against myself and the other defendants to this action.

As set forth in Hillary Fraenkel's letter of yesterday to the Court on behalf of defendant, Passaic River Coalition ("PRC") opposing plaintiff's application for default, the application is improper. In the first instance, no default has been entered against me, and cannot be at this time. As my motion to dismiss the Complaint is currently pending, and was timely filed, pursuant to Rule 12(a)(4), the time to file an answer to the Complaint (if the motion to dismiss is denied) is extended. In addition, nowhere in the Court's Letter Order of June 16, 2016, are the defendants required to file an answer to the Complaint. In fact, that Letter Order provides just the opposite, as Paragraph 3 states that upon filing of the Bergen County Sheriff's Motion to Dismiss, all of the appearing defendants in this matter will have responded to Plaintiff's Complaint. That Paragraph further provides that Plaintiff's Motion for Default Judgment (Docket Entry No. 12) was administratively terminated as moot. Nonetheless, in this application, plaintiff seeks to resurrect that very same application.

Plaintiff's twisted reading of the Letter Order is self serving and completely ignores the terms and intent of that Letter Order. This pro se plaintiff seems intent on repeatedly filing frivolous papers for no other reason than to put the other parties through the time, cost and expense of responding to his repeated improper filings. At this time, I join in the request of counsel for PRC that plaintiff be required to obtain leave of Court before he is permitted to file any further motions in this case. In the alternative, if the Court is unwilling to go that far, I would request that plaintiff be barred from filing any further motions as to the defendants who have

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appeared in this case until the Court determines the several motions to dismiss the Complaint. The plaintiff should not be permitted to proceed on his present course of wasting the Court's time and the time of the other litigants.

Respectfully submitted,

/s/ Richard A. Epstein, Esq.

cc: Michael A. D'Antonio (Via ECF)
All Counsel (Via ECF)

Moving forward, Plaintiff is directed to seek leave of court, by letter, prior to filing any motions.

SO ORDERED

s/James B. Clark

James B. Clark, U.S.M.J.

Date: 8/5/16